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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/813,653
Filing Date: March 29, 2004
Appellant(s): BLACKBURN ET AL.

Rodney L. Lacy (Reg. No. 41,136)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 12, 2008 appealing from the Office action mailed September 12, 2008.

(1) Real Party In Interest

The real party in interest as stated by the appellant's brief is the assignee, WMS Gaming Inc. located at 3401 North Carolina Avenue, Chicago, Illinois 60618.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The applications listed by the applicant's representative in the Appellant's Appeal Brief (on pg. 4) are the applications, appeals, that may directly be affected by the Board decision that are known by the Examiner.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-5, 8-15, and 18-20 stand rejected in the present Appeal.

(4) Status of Amendments

The examiner does not contest the appellant's statement directed towards the status of amendments contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner contest's the appellant's brief characterization that the independent claims as reciting systems and methods that provide a three party handshake for providing an event

management service on a wagering game network. The appellant's introduces the term "three party handshake" that the specification does not appear to contain any disclosure nor definition as to what would qualify as a three party handshake.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6916247	GATTO et al.	7-2005
2004/0087367 A1	HENDRICKSON	5-2004
2003/0061404 A1	ATWAL et al.	3-2003
2004/0142744 A1	ATKINSON et al.	7-2004

GOTTSCHALK et al. "Introduction to Web services architecture" IBM Systems Journal, vol. 41, no. 2 (2002) pp. 170 -177.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- I. Claims 1-5, 8-9, and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (US Patent No. 6,916,247) in view of Hendrickson (US Patent Application Publication 2004/0087367), Atwal et al. (US Patent Application Publication 2003/0061404), and Gottschalk (IBM Systems Journal, Vol. 42, No. 2).**

Re Claims 1: Gatto et al. teach a method for providing an event management service in a gaming network including gaming machines (Col. 2 Lines 37-45), the method comprising publishing an availability of the event management service (Fig. 19-20; Col. 13 Lines 64-67), receiving a discovery request for the event management service (Fig. 19-20; Col. 14 Lines 2-5), registering by a gaming client with the event management service (Fig. 19-20; Col. 14 Lines 18-20), and processing one or more service requests conforming to an internetworking protocol (Fig. 19-20; Col. 14 Lines 21-24). (Col. 15, Lines 57-63; Col. 16, Lines 7-10).

However, Gatto et al. do not specifically disclose an event management service for a gaming machine wherein a wager at the gaming machine of the plurality of gaming machines causes a depicting indicia representative of a randomly selected outcome of a wagering game, determining by the discovery agent if the event management service is authentic and authorized, verifying that the gaming machine is authorized to utilize the event management service,

Hendrickson discloses an event management service for storing event data from a plurality of gaming machines, wherein a wager at a gaming machine of the plurality of gaming

machines causes a depicting indicia representative of a randomly selected outcome of a wagering game (Fig. 1; Paragraph 30).

Atwal et al. disclose that a client is verified to be authorized to utilize the service (Paragraph 52). Atwal et al. also disclose that the clients subject to authorization may include web service providers (Paragraph 43).

Gottschalk discloses that private UDDI registries may exist, where the registry is controlled to only permit allowed users may publish onto the registry (Page 175, *Service publication and service discovery standards for Web services*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an event management service that is accessible to a plurality of gaming machines, thereby providing a centralized database that includes data from a plurality of gaming machines. It would have been obvious to verify the gaming machine to utilize the event management service, thereby providing a level of security to prevent unwanted or unauthorized users from accessing the event management service. Similarly, it would have been obvious to determine if the event management service is authentic and authorized before publishing its availability, thereby providing a security measure and allowing only services desired to be allowed on the network by the establishment to be published.

Regarding the additional amendments of “sending service information”, “publishing service information to a service repository”, receiving a request “for the location of the event management service”, “returning the service information for the event management service”, and “using the service information for the event management service”, it is disclosed in Gatto et al. of the use of Web Services using XML, SOAP, WSDL, and UDDI. Web services using these

standardized technologies are well known in the art to implement the methods of publishing, discovering, and binding in order to supply the services to the clients. The UDDI registries include the locations of the service providers.

Re Claims 2-5: Gatto et al. teach that networking between service requesters and service providers can utilize a universal solution over the Internet using XML (extensible markup language), SOAP (simple object access protocol), WSDL (web services description language), and UDDI (universal scripting discovery and integration). The XML/SOAP/WSDL/UDDI system enables web services to be published by service providers, and for the web services to be searched for and binded to by a service requester. (Col. 15 Lines 57-67)

Re Claim 8: Gatto et al. teach a web service including an asynchronous notification of events to a central server from a gaming machine including the Internet protocols and technologies discussed above in regards to claims 2-5 (Col. 2 Lines 37-45). Hendrickson additionally discloses reporting events, as discussed above in regards to claim 1.

Re Claim 9: Gatto et al. teach the storing of important events in an audit log in persistent storage (Col. 10 Lines 13-20).

Re Claims 11-19: Gatto et al., in view of Hendrickson, Atwal et al., and Gottschalk, teach a gaming network system for performing the method steps discussed above. (Col. 2 Lines 37-45).

2. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatto et al. (US Patent No. 6,916,247) in view of Hendrickson (US Patent Application Publication 2004/0087367), Atwal et al. (US Patent Application Publication 2003/0061404),

and Gottschalk (IBM Systems Journal, Vol. 42, No. 2) as applied to claims 1 and 11 above, and further in view of Atkinson et al. (US Patent Application Publication No. 2004/0142744).

3. Gatto et al. additionally teach that the roles of service provider and service requester are commonly reversed as service requester and service provider (Col. 16, Lines 7-10).

However, Gatto et al. do not specifically teach a gaming client querying an event management service for an event.

Atkinson et al. teach that in a gaming network environment, it is beneficial for applications to both provide data and request data (Page 1, Paragraph 18). Data may include events that occur while the gaming machines are being played (Page 1, Paragraphs 3-4). Generally, clients can provide users information about the gaming network through queries (Page 2, Paragraph 32). One would be motivated to incorporate the teachings of Atkinson in the event notification arts in determining the state of the art as the two patents are directed towards the same field of endeavor. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made for a client to query the service for an event, thereby servicing users of games on the gaming network through accessing the stored data on the gaming system.

(10) Response to Argument

A) Appellant's Brief discusses the Double Patenting Rejection of Claims 1-36, but the provision rejection only applies to claims 1-5 and 11-15.

Currently the Examiner is only aware of a provisional double patenting rejection directed towards claims 1-5 and 11-15. Examiner is not aware of the rejection made towards appellant's

arguments towards claims 6-10 and 16-20 as claims 6-7 and 16-17 have been canceled and claims 21-36 do not appear in the prosecution history of this application. However, the appellant's statement that copending application 10/788,903 and the instant case are currently undergoing prosecution that the double patenting issue is not yet ripe for appeal. Therefore the rejection is withdrawn for purposes of appeal.

B) Appellant's evaluation of the applicable law under 35 U.S.C. §103.

Examiner agrees with appellant's characterization of the standard of review for a grounds of rejection under 35 U.S.C. §103.

C) Appellant's arguments directed towards the application of 35 U.S.C. §103(a) to the rejected claims.

Background of the Invention -

The appellant's specification provides the following descriptions for the limitations in question and have been listed below for the purposes of discussion which provide that these services may be located throughout the gaming network (paragraph [0033])

Discovery Service - provides the address information of the server containing the service when prompted by the requestor as well as the service description, binding and location on the server.

Authentication Service - contains the master Authentication Database. Authenticates the service user before allowing the use of services in the Gaming Services Framework.

Authorization Service - contains the master Authorization Database. Authorizes the use of services in the Gaming Services Framework by a service requestor.

Discovery Agency [306] - comprises a searchable set of service descriptions where service

providers [304] public their service descriptions [324] and service locations [326]. The service discovery agency [306] may be centralized or distributed.

Type of services are described in the appellant's specification in paragraph [0033-0037].

1) Appellant's representative contends the Rejection of Claims 1-5, 8-9, and 11-19 under 35 U.S.C. §103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal and Gottschalk.

Gatto teaches an networked gaming system that provides a plurality of gaming machines that are communicably coupled to the gaming network system (*see col. 2: ln 37-45, col. 5: ln 15-20*). Gatto provides that the plurality of gaming machines are capable of providing a player games of chance and entertainment machines that include games of skills. (*see col. 5: ln 34-57*). It is understood in the gaming arts that games of chance depict indicia that is representative of a randomly selected outcome of a wagering game. Although Gatto does not specifically teach or suggest the description of a game of chance it may also be found in numerous instances in the prior art to be discussed below.

Although Gatto does not specifically recite the term "event management service", it teaches a system that allows the management of "specialized devices" which provides notification of events. Specialized devices as defined by Gatto, is to be any payment and identification device listed in the specification (*see col. 9: ln 44-61*). These specialized devices communicate with the servers of the system and are taught to automatically bind with the central server. The binding protocols described allow for the establishment of bi-directional communication that provide an authorization process for the device to be connected to the network. Gatto's system teaches the specialized devices to provide notification of events to the network for the servers that are registered or subscribed to the specialized devices (*see col. 14: ln 18-24*). It is through these

teachings provided by Gatto in which the Examiner equates the system of Gatto as being an “event management service”. Furthermore, Gatto’s system teaches an authentication engine [834] that includes functionality to consult with a Certificate Authority (which may be located on a server on the network or on a computer network connected thereto), which certifies the authenticity of the identification presented, authorizes a given operation, ensures data integrity of data exchanges, securely time-stamping the operations and/or revoke illegal identification (*see col. 10: ln 55-63*). The cited section of Gatto clearly shows that an authentication and authorization process of the events that occur on specialized devices (which encompasses client used gaming machines) properly use the Certificate Authority in order to establish the authentication and authorization of events made on Gatto’s system.

Looking to the Appellant’s specification, the closest definition to a “discovery agent” is found in the description of a “Discovery Agency”. The appellant’s specification states that a discovery agency comprises a searchable set of service descriptions where service providers publish their service descriptions and service locations and can be centralized or distributed. In comparison of the disclosure provided by Gatto and the appellant’s specification it is the Examiner’s position that Gatto’s “specialized devices” represent the distributed embodiment of the appellant’s “discovery agency” or agent. In this instance, Gatto’s “specialized devices” must broadcast their availability to a server describing its location and capabilities (*see col. 14: ln 1-5*). In turn, the server enters into a binding protocol in order to establish bi-directional communication which authenticates and authorizes the “specialized device” to properly communicate with the server. The “specialized devices” of Gatto are then configured to offer asynchronous notification of events to the connected servers to provide a list of events that are of

interest to the connected device/server and provide callbacks which pass details on the event information when it occurs (*see col. 14: ln 9-32*). Thus it is the examiner's position that the Gatto system incorporates with the Certificate Authority of Gatto to meet the appellant's limitation of a "determining by a discovery agent if the event management service is authentic and authorized" because "specialized devices" are authenticated and authorized when they are binded to the system and the Certificate Authority in the network authorizes and authenticates the identification present during data exchanges in the system which includes the event notification data that is provided from the "specialized services" to the server device.

Furthermore, the appellant's representative argues that the Certificate Authority refers to communication between devices and a server and that communications themselves are authenticated and not services. The appellant then proceeds to state that the claimed subject matter has the advantage that detemrines whether or not a service is authorized and authentic before the service's details are ever published and made available on the network. The Examiner respectfully disagrees with this argumentation. Gatto teaches that service requesters consume services provided by service providers and that publication of service descriptions play a central role to enable service requested to discover available services and bind to them (*see col. 57-67*). Gatto then proceeds to teach that a central server is typically a service requestor but peripheral are commonly service providers as well as service requesters. This relationship teaches that Gatto the communications between devices and a server are in fact a communication of services as oppose to appellant's characterization that these are only "communications" (*see col. 16: ln 1-11*). As has been previously established a binding protocol provides one instance of an authentication and authorization of services taught in Gatto.

The appellant also contends that the Certificate Authority as discussed above, does not provide services but only authorizes players identification and not the service themselves.

Looking at the appellant's specification it can be seen that the type of services included are "player tracking service" and "gaming management service" to simply name a few. In comparison, the authentication engine of Gatto is used to "certify the authenticity of the identification presented (ie: player tracking service) and authorize a given operation (ie: gaming management service). Thus the Certificate Authority meets the broad scope of the appellant's claim limitations as the distinction made by the appellant's representative between "services" and "communications" managed and controlled by the Certificate Authority are not different.

i) Appellant's representative contends that Atwal does not teach that a client is verified to be authorized to utilize the service and further that clients subject to authorization include server service providers.

The Examiner does not disagree with appellant's characterization of the prior art reference of Atwal. As the cited sections do in fact assume that the devices handling the services have already been set up. However, Atwal when read in the whole does describe the client devices to be verified and authorized to utilize the service. As taught above in Gatto, each device that is connected to the networked system must bind with the server and thus an authentication and authorization process is taught on that hardware level. Instead, Atwal has been cited to teach client applications that are verified to be authorized to utilize a service via a communication processor [311]. The system of Atwal specifically teaches that when a client send a method call through a client application connection the call is passed to be authenticated

by the authentication module [520] and passed back to the communication processor. The communication processor passes it to the authorization module [602] to determine if the client application has authorization to use the service. If so, then it is passed by the communication processor to the device to use the requested web service (*see paragraph [0052]*). If one of these events fail then the request is rejected. One would be motivated to apply the teachings of Atwal because it provides a secure event request method that is applicable to web service gateways in event service management so ease the communication over a network to various systems that would like to use client applications throughout the network. Furthermore, the appellant's representative contends that Atwal does not disclose that the client itself is authenticated before it is allowed to be on the wagering game. The appellant's reliance that the client itself is not authenticated before it is allowed to be on the wagering game network is not commensurate with the scope of the claims. However, in *arguendo*, the client service authentication and authorization method meet the broad scope of the instant claim limitations. The use of the appellant's brief that the "client" itself is not authenticated seems to reference the limitation to "verify that the at least one gaming machine is authorized to utilize the event management service". Therefore to clarify the Examiner position, it is asserted that the gaming machine from Gatto when applied in light of Atwal is connected to the client application itself (ie: the game or service applications on the gaming machine device) via the client application connections [31] which in turn processes the service request and verifies that at least one gaming machine is authorized to utilize the event management service. Under this interpretation the client application itself which is stored on the gaming machine would need to be authenticated and verified before a request for the service was granted.

ii) Appellant's arguments contend that Gottschalk does not disclose determining by a discovery agent if the event management service is authentic and authorized.

Examiner respectfully disagrees with appellant's characterization and narrow interpretation of Gottschalk. The prior art of Gatto establishes as stated above an event management service that allows the Central Authority to authenticate and authorize software service modules and request to be made between specialized devices and the various servers and communication devices on the network. Furthermore, Gatto specifically recites the use of UDDI nodes that enable developers to publish web services and enable their software to search for and bind to services offered by others (*see col. 15: ln 50-56*). Therefore one would have been motivated to incorporate the teachings of Gottschalk to aid in teaching what is provided by a system using an UDDI registry and control of service publications. Gottschalk specifically teaches that public and private registries may be incorporated and that the private UDDI registries maintain and control what service data is registered and who can access the data. Therefore with this teaching applied to the Gatto reference which has already been enabled to use UDDI support, it would therefore be inherent in a system using UDDI to have an authentication and authorization mechanism in place.

iii) Appellant's representative argues that hindsight bias has been used to construct the limitations of the claims.

The Examiner respectfully disagrees. Following *KSR v. Teleflex* the Supreme Court has provided the common sense rationale which teaches that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle. 127 S.Ct. 1727, 1742 (2007).

Furthermore, a person of ordinary skill in the art is also a person of ordinary creativity, not an automaton. 127 S.Ct. 1727. In light of this direction, the prior art references have been cited against the instant claims because Gatto, Hendrickson, Atwal, and Gottschalk are all analogous art directed towards the same field of endeavor. Gatto provides a networked gaming system that teaches an event management service that authorizes and authenticates services between the various devices in the network using an UDDI registry. Hendrickson has been provided to teach that real-time rules may provide a basis for prioritizing gaming services. Atwal has been used to teach the application of a web-gateway for an event management system to be used across the Internet and Gottschalk teaches the elements of a UDDI registry. Each of these references would have been obvious to one ordinary skill in the art as being combined together to represent the elements that were known at the time the invention was made in the event management service arts. Therefore the Examiner maintains his position that no hindsight bias has occurred.

In response to the appellant's arguments, the Examiner disagrees with the Appellant's position because there has never been a judicially created doctrine where the proper standard of review for hindsight reconstruction is determined by the number of references relied upon to formulate the rejection. Furthermore, it is noted that following the decision in *Sundance, Inc. v. DeMonte Fabricating Ltd*, 550 F.3d 1356 (Fed. Cir. 2008), it teaches that a claimed invention is likely to be obvious if it is a combination of known prior art elements that would reasonably have been expected to maintain their respective properties or functions after they have been combined. The prior art of Gatto, Hendrickson, Atwal, Gottschalk and Atkinson are all directed to providing solutions for problems associated with the event management service arts. As they are directed towards the same endeavor a person of ordinary skill in the art at the time the

invention was made would have looked to these references to address problems known in the event management servicing art.

2) Appellant's representative contends the Rejection of Claims 10 and 20 under 35 §103(a) as being unpatentable over Gatto in view of Hendrickson, Atwal, Gottschalk, and Atkinson

a) Claims 10 depend from claim 1 and claim 20 depends from claim 11 therefore inherits all the elements from their respective base claims.

The Appellant's arguments are directed towards the claims inheriting the deficiencies of independent claim 1 and 11. The arguments presented by the appellant's brief have been addressed above in part C of the examiner's answer and are incorporated herein.

b) Appellant's representative argues that Atkinson lacks the verification by the discovery agent that the event management service is authentic and authorized for the gaming network.

The examiner respectfully disagrees with appellant's argumentation. Atkinson has been used to teach that in a gaming network environment it is beneficial for applications to both provide data and request data for a gaming machine while it is being played. Therefore clients are capable of providing user information about the gaming machine network through queries. The limitation referred to by the appellant's representative requiring a discovery agent that authenticates and authorizes the service request are address in C, part 1(i-iii) of the Examiner's Answer above and incorporated herein.

c) Appellant's representative argues that the rejection of claims 10 and 20 is highly suggestive that the Examiner uses Appellant's structure as a template and selecting individual elements from each reference and uses improper hindsight reconstruction

The Appellant's arguments towards using improper hindsight are based upon the combination of using five underlying references in the formation of the 103(a) rejection. However, the appellant's suggestion that using five references and to incorporate individual elements is not dispositive of improper hindsight. Furthermore, the Appellant's representative has not provided any examples of how the combination uses hindsight reconstruction.

In response to the appellant's arguments, the Examiner contends the Appellant's position because there has never been a judicially created doctrine where the proper standard of review for hindsight reconstruction is determined by the number of references relied upon to formulate the rejection. Furthermore, it is noted that following the decision in *Sundance, Inc. v. DeMonte Fabricating Ltd*, 550 F.3d 1356 (Fed. Cir. 2008), it teaches that a claimed invention is likely to be obvious if it is a combination of known prior art elements that would reasonably have been expected to maintain their respective properties or functions after they have been combined. The prior art of Gatto, Hendrickson, Atwal, Gottschalk and Atkinson are all directed to providing solutions for problems associated with the event management service arts. As they are directed towards the same endeavor a person of ordinary skill in the art at the time the invention was made would have looked to these references to address problems known in the event management servicing art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Hsu

/Ryan Hsu/

Examiner, Art Unit 3714

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